

Introduced by Senator Romero

February 20, 2003

An act to amend Section 1171.5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

SB 534, as introduced, Romero. Employment rights.

Under existing law, the protections, rights, and remedies of state law are available without regard to the immigration status of persons, except as prohibited by federal law.

This bill would specify that the applicable federal law is the Immigration Reform and Control Act of 1986.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1171.5 of the Labor Code is amended to
2 read:

3 1171.5. The Legislature finds and declares the following:

4 (a) All protections, rights, and remedies available under state
5 law, except any reinstatement remedy prohibited by ~~federal law~~
6 *the Immigration Reform and Control Act of 1986 (P.L. 99-603)*, are
7 available to all individuals regardless of immigration status who
8 have applied for employment, or who are or who have been
9 employed, in this state.

10 (b) For purposes of enforcing state labor and employment laws,
11 a person's immigration status is irrelevant to the issue of liability,
12 and in proceedings or discovery undertaken to enforce those state

1 laws no inquiry shall be permitted into a person's immigration
2 status except where the person seeking to make this inquiry has
3 shown by clear and convincing evidence that the inquiry is
4 necessary in order to comply with federal immigration law.

5 (c) The provisions of this section are declaratory of existing
6 law.

7 (d) The provisions of this section are severable. If any
8 provision of this section or its application is held invalid, that
9 invalidity shall not affect other provisions or applications that can
10 be given effect without the invalid provision or application.

